



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/181,402	10/28/1998	MARK J. BEACH	RO998-106	9872

23123 7590 03/01/2004
SCHMEISER OLSEN & WATTS
18 E UNIVERSITY DRIVE
SUITE # 101
MESA, AZ 85201

EXAMINER

CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
----------	--------------

2672

22

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/181,402

Applicant(s)

BEACH, MARK J.

Examiner

Daniel J Chung

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claims 1-49 are presented for examination. This office action is in response to the Appeal Brief filed on 9-22-2003. Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6,8-12,14-21,23-29 and 31-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scorse et al (5,426,513) in view of Cash et al (5,481,312).

Regarding claim 1, Scorse et al discloses that the claimed feature of an apparatus comprising: a transmitting computer [embodiment of 10-22 in Fig 1] comprising: at least one processor [16]; a memory [14] coupled to the at least one processor [16]; an prioritized graphics file [i.e. "visual image" in Fig 3D] residing in the memory [14] ["the visual image stored in the storage device 14"; See col 3 line 58-59], the prioritized graphics ["visual image"] file defining higher priority image transmission portions [i.e. "most significant/importance blocks"] and lower priority image transmission portions [i.e. least significant/importance blocks] that have been selected and assigned

priorities ["numbering orders of blocks in visual image"] such that when the prioritized graphics ["visual image"] file is transferred across a network [24,30], the higher priority image transmission portions [i.e. first block in order] of the prioritized graphics file are transmitted ["the blocks may be sent in the order of their illustrative numbering, 1, 2, 3,...9. By the use of this procedure, the portion of the visual image which the operator has determined to be the most significant is sent first"; See col 6 line 8-12] and displayed ['immediate rendering upon receiving'] before the lower priority image transmission portions of the prioritized graphics ["visual image"] file. (See Fig 1, Fig 3D, col 5 line 6-24, col 5 line 63-col 6 line 33)

Scorse et al does not explicitly disclose that a single prioritized graphics **file** residing in the memory, which contains higher priority image transmission portions and lower priority image transmission portions. However, Cash et al discloses that the method of transmitting a prioritized video bitstream ["a prioritized graphics file"], which stored in hard disc 115, 202 ["memory"], including a plurality of high priority segments ["higher priority image transmission portions"] and low priority segments ["lower priority image transmission portions"], thereby generating the high priority segments first on monitor in client. (See Fig 1, Fig 2, Fig 4, Abstract, col 1 line 52-62) It would have obvious to one having ordinary skill in the art at the time of Applicant's invention to incorporate the teaching of Cash et al into the teaching of Scorse et al, because they both relate to method of transmitting image/graphic data in network, and the teachings/suggestions in Scorse (See col 6 line 17-19) regarding of "transmission time

Art Unit: 2672

is kept to a minimum and the information of most importance is transmitted with priority", would provide the motivation to have prioritized image **file**, in order to retrieve/render more important/significant information with effective and easy manner.

Regarding claim 2, refer to the discussion for the claim 1 hereinabove, Cash et al further discloses that a receiving computer [230] receiving image transmission portions of the prioritized graphics file [a prioritized video bitstream], the receiving computer comprising an image interpreter [i.e. 221,223,224] and an image viewer [225] residing on the receiving computer, the image interpreter translating the received image transmission portions of the prioritized graphics file into image data, such that the image viewer can display the higher priority image transmission portions of the prioritized graphics file before displaying the lower priority image transmission portions of the prioritized graphics file. (See Fig 2, Fig 4, col 1 line 51-62)

Regarding claim 3, Scorse et al discloses that an image prioritization editor residing in the memory, the image prioritization editor allowing at least one image transmission portion of the prioritized graphics file to be selected and assigned at least one priority. (See Fig 3D, col 5 line 63-col 6 line 22) [Examiner assert that having a graphical user interface, which would stored in memory, is necessarily required for performing the operator's image prioritization in Scorse et al.]

Regarding claim 4, refer to the discussion for the claim 1 hereinabove, Cash et al further discloses that the image interpreter saving the prioritized graphics file in a prioritized graphics file format [408]. (See Fig 2-4)

Regarding claim 5, refer to the discussion for the claim 1 hereinabove, Scorse et al does not explicitly disclose that the prioritized graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format. However, Examiner takes office notices that such claimed limitations [i.e. jpeg, gif, bmp, mpeg, tiff] are notoriously well-know graphic file format in an analogous art in order to provide the compatibility with outputting devices.

Regarding claim 6, refer to the discussion for the claims 1 and 5 hereinabove, Scorse et al discloses that the prioritized graphics file format comprises a plurality of image transmission portions of the prioritized graphics file, each image transmission portion corresponding to the at least one priority. (See Fig 1, Fig 3D, col 5 line 6-24, col 5 line 63-col 6 line 33)

Regarding claim 8, claim 8 is similar in scope to the combination of claims 1 and 2, and thus the rejections to claims 1 and 2 hereinabove are also applicable to claim 8.

Regarding claims 9-12, claims 9-12 are respectively equivalent to claims 3-6, and thus the rejections to claims 3-6 hereinabove are also respectively applicable to claims 9-12, but applied in view of the rejections to base claim 8.

Regarding claims 14-16, claims 14-16 are similar in scope to claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claims 14-16.

In addition, Cash et al further discloses that signal bearing media bearing the image interpreter wherein the signal bearing media comprises transmission media or recordable media. (See Fig 2)

Regarding claims 17-21, claims 17-21 are respectively equivalent to claims 2-6, and thus the rejections to claims 2-6 hereinabove are also respectively applicable to claims 17-21, but applied in view of the rejections to base claim 14.

Regarding claim 23, claim 23 is the corresponding program product of claims 14 and 17. Thus, the rejections to claims 14 and 17 hereinabove are also applicable to claim 23.

Regarding claims 24-29, claims 24-29 are respectively equivalent to claims 15-21, and thus the rejections to claims 15-21 hereinabove are also respectively applicable to claims 24-30, but applied in view of the rejections to base claim 23.

Regarding claim 31, claim 31 is similar in scope to the claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claim 31.

Regarding claims 32-34, claims 32-34 are respectively equivalent to claims 4-6, and thus the rejections to claims 4-6 hereinabove are also respectively applicable to claims 32-34, but applied in view of the rejections to base claim 31.

Regarding claims 35 and 38-40, claim 35 and 38-40 are similar in scope to claims 8, 13 and 10-12. Thus, the rejections to claims 8,13 and 10-12 hereinabove are also applicable to claim 35 and 38-40.

Regarding claim 37, Scorse et al discloses that the step of translating the portion of the image file into image data further comprises that step of decompressing the portion of the image file. (See Fig 3-6)

Regarding claims 41-49, claims 41-49 are similar in scope to the claim 5, and thus the rejection to claim 5 hereinabove is also applicable to claims 41-49.

Claims 7,13,22,30 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scorse et al (5,426,513) in view of Cash et al (5,481,312), and further in view of Weber (5,477,445).

Regarding claim 7, Scorse et al fails to teach that a simulation browser residing in the memory, the simulation browser simulating transmission and reception of the prioritized graphics file, the simulation browser adding a delay between image transmission portions of the prioritized graphics file. However, such limitation [i.e. simulation program] is shown in the teaching of Weber. (See Abstract, col 1 line 17-col 2 line 29) It would have been obvious to one skilled in the art to incorporate the teaching of Weber into the teaching of Scorse and Cash, in order to enable a practical handling of a process on the part of the operator with increased operating convenience, as such improvement is also advantageously desirable in the teaching of Scorse et al for transmitting the prioritized image with great detail of confidence and convenient by operator.

Regarding claims 13,22,30 and 36, claims 13,22,30 and 36 are similar in scope to the combination of claims 1 and 7, and thus the rejections to claims 1 and 7 hereinabove are also applicable to claims 13,22,30 and 36.

Response to Arguments

Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 1, Applicant argued that the cited references do not disclose that the prioritized graphics **file** residing in the **memory**. However, newly provided reference (Cash et al) discloses that the method of transmitting a prioritized video bitstream ["a prioritized graphics file"], which stored in hard disc 115, 202 ["memory"], including a plurality of high priority segments ["higher priority image transmission portions"] and low priority segments ["lower priority image transmission portions"], thereby generating the high priority segments first on monitor in client. (See Fig 1, Fig 2, Fig 4, Abstract, col 1 line 52-62) It would have obvious to one having ordinary skill in the art at the time of Applicant's invention to incorporate the teaching of Cash et al into the teaching of Scorse et al, because they both relate to method of transmitting image/graphic data in network, and the teachings/suggestions in Scorse (See col 6 line 17-19) regarding of "transmission time is kept to a minimum and the information of most importance is transmitted with priority", would provide the motivation to have prioritized image **file**, in order to retrieve/render more important/significant information with effective and easy manner. See the rejection hereinabove.

Regarding claim 2, Cash et al further discloses that "video client proc"; 221, "decoder"; 224, and "monitor"; 225 within "client" 220 at real-time viewing. Since patent office is entitled to take the broadest reasonable interpretation of any claim, in this case,

“video client proc”;221 and “decoder”;224 could be considered as “image interpreter” in recited claim, and “monitor”; 225 could be considered as “image viewer” in recited claim.

Regarding claim 3, applicant argued that the cited references do not disclose that “image prioritization editor.” However, Examiner asserts that some type of graphical user interface [i.e. image prioritization editor], which is usually programmed in conventional memory, must be provided, in order to perform the operator's image prioritization of Scorse et al, because image priority in Scorse et al is not system configured image prioritization rather manually chosen by operator.

Regarding claim 4, See the argument in claim 2 hereinabove, and the See rejection hereinabove.

Regarding claim 5, applicant argued that the cited references do not disclose that “JPEG”, “GIF”, “BF”. However, such claimed limitations [i.e. jpeg, gif, bmp, mpeg, tiff] are notoriously well-known graphic file formats in an analogous art in order to provide the compatibility with outputting devices. For example, it would have been common knowledge in ordinary skilled in the art that “the prioritized video bitstream” of Cash et al as to be “mpeg” or “jpeg”.

Regarding claim 6, See the arguments in claims 1 and 5 hereinabove, and See the rejection hereinabove.

Regarding claim 7, applicant argued that “a simulation browser.” However, such limitation [i.e. simulation program] is shown in the newly provided reference (Weber). (See Abstract, col 1 line 17-col 2 line 29) It would have been obvious to one skilled in the art to incorporate the teaching of Weber into the teaching of Scorse and Cash, in

order to enable a practical handling of a process on the part of the operator with increased operating convenience, as such improvement is also advantageously desirable in the teaching of Scorse et al for transmitting the prioritized image with great detail of confidence and convenient by operator. See the rejection hereinabove.

Regarding claim 8, See the arguments in claims 1 and 2 hereinabove, and See the rejection hereinabove.

Regarding claims 9-13, See the arguments in claims 3-7 hereinabove, and See the rejection hereinabove.

Regarding claims 14-16, See the argument in claim 1 hereinabove, and See the rejection hereinabove.

Regarding claims 17-22, See the arguments in claims 2-7 hereinabove, and See the rejection hereinabove.

Regarding claim 23, See the arguments in claims 14 and 17 hereinabove, and See the rejection hereinabove.

Regarding claims 24-30, See the arguments in claims 15 and 22 hereinabove, and See the rejection hereinabove.

Regarding claims 31-49, See the arguments in claims 1,4-6,8 and 10-13 hereinabove, and See the rejection hereinabove.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose

telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9306 (Central fax)

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc
January 22, 2004



MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600